

REMARKS

Reconsideration of this application based on the following Remarks is respectfully requested.

The Examiner has rejected claims 3, 6, 10 and 21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,259,156. The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to draw heat from a heat-generating member with a thermally conductive member, which in turn also forms a protrusion on the heat slug, since thermally conductive members have long been used in the art to connect heat slugs to heat generating members.

The Examiner indicates that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. The Examiner refers to 37 CFR 1.130(b).

In response, the applicants note that U.S. Patent No. 6,259,156 was issued to Junko Kuhno et al, filed March 11, 1999, issued July 10, 2001, and assigned to the NEC Corporation of Tokyo, Japan as recorded on March 11, 1999

in Reel 9828 and Frame 0322. Since the present application of Junko Kuhno et al is a divisional application to U.S. Patent No. 6,259,156, it is also assigned to the NEC Corporation of Tokyo, Japan as recorded on the same date of March 11, 1999 in Reel 9828 and Frame 0322.

Accordingly, the applicants herein enclose a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent which is in conformance with 37 CFR 1.321(c). Therefore, the applicants respectfully request that the Examiner withdraw the rejections of claims 3, 6, 10 and 21.

The applicants respectfully request consideration of the foregoing Remarks in conjunction with the accompanying Terminal Disclaimer. The foregoing Remarks and accompanying Terminal Disclaimer establish the patentable nature of all of the claims remaining in the application, i.e., claims 3, 6, 10 and 21. No new matter has been added, wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

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Enclosure

Terminal Disclaimer to Obviate a Double
Patenting Rejection Over a Prior Patent